

REMARKS

In the Office Action the Examiner noted that claims 1-18 are pending in the application, and the Examiner rejected all claims. By this Amendment, the specification and claims 1, 4, 6, 9, 11, 14, and 16 have been amended. No new matter has been presented. Thus, claims 1-18 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Objection To the Specification

In item 2 on pages 2-4 of the Office Action the Examiner objected to the specification of the present application, alleging several instances of absence of proper idiomatic English.

By this Amendment, several paragraphs of the specification, including ones cited by the Examiner, have been amended and are no longer in the form objected to by the Examiner. No new matter has been presented. Therefore, the Applicants respectfully request the withdrawal of the Examiner's objection to the specification.

Claim Rejections Under 35 USC §112

In item 4 on page 5 of the Office Action the Examiner rejected claims 1-18 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

By this Amendment, claims 1, 6, 11, and 16 have been amended and no longer include the language in the form rejected by the Examiner. Further, although the Examiner alleged clear antecedent basis for a term used in claims 4, 9, and 14, the antecedent basis issue actually arises only in claim 4, which has been amended to more clearly present the feature. The Applicants respectfully submit that "the information recording device" would be quite apparently different from the "recording unit" to one skilled in the art, based on just a cursory review of the claims, as it is apparent that the "information recording device" includes "the recording unit" as a member of the device. Therefore, the Applicants respectfully request the withdrawal of the Examiner's §112, second paragraph rejections of claims 1-18.

Claim Rejections Under 35 USC §102

In item 7 on pages 6-9 of the Office Action the Examiner rejected claims 1-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,199,076, issued to Logan et al. (hereinafter referred to as "Logan"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites a record executing unit which receives advertisement information showing an advertisement having a content prepared by a picture recording/sound recording instruction service provider who is independent of the information distributor and can be selected by the user and inserts the advertisement information into the information distributed by the information distributor. Support for the claim amendment can be found in the present application at least in paragraphs [0039]-[0041]. The Applicants respectfully submit that Logan does not disclose or suggest at least this feature of claim 1.

The Examiner alleged that Logan discloses radio or television programming and an advertising broadcast system. Moreover the Examiner alleged that previously amended claim 1 is equivalent to originally filed claim 1 and it is still anticipated by Logan because previously amended claim 1 does not affect the structure or functionality of the record executing unit. However, the Applicant respectfully submits that Logan does not disclose, suggest, nor even contemplate a picture recording/sound recording service provider who is independent of the information distributor and can be selected by the user, which is respectfully believed to be significant so that the user can select the advertiser suited to the user's own desire and the advertiser's own advertisement is sure to be viewed by the user, thus claim 1 definitely affects the structure or functionality of the record executing unit. Therefore, the Applicant respectfully submits that Logan is in direct contrast with the recited features of amended claim 1.

Therefore, Logan does not disclose or suggest at least the features of claim 1 discussed above. Accordingly, Logan does not disclose every element of the Applicants' claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Logan does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Logan, and withdrawal of the §102(b) rejection is earnestly and respectfully solicited.

Claims 2-5 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed by Logan. Therefore, it is respectfully submitted that claims 2-5 also patentably distinguish over Logan.

Independent claims 6, 11, and 16, as amended, recite similar features to those

discussed above in regard to claim 1, and which are not disclosed or suggested by Logan. Further, claims 7-10 depend from claim 6, claims 12-15 depend from claim 11, and claims 17-18 depend from claim 16. These dependent claims include all of the features of the independent claims upon which they respectively depend, plus additional features which are not disclosed or suggested by Logan. Therefore, it is respectfully submitted that claims 6-18 also patentably distinguish over Logan.

Summary

In accordance with the foregoing, the specification and claims 1, 4, 6, 9, 11, 14, and 16 have been amended. No new matter has been presented. Thus, claims 1-18 are pending in the application.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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